

California Victim Compensation and Government Claims Board Open Meeting Minutes

August 18, 2005

The California Victim Compensation and Government Claims Board convened its regular session at the call of Michael Ramos, member and acting Chair, San Bernardino County District Attorney, at the First Floor Hearing Room, 630 "K" Street, Sacramento, California, on Thursday, August 18, 2005, at 10:00 a.m. Also present was Board member Windie Scott, Deputy State Controller, acting for and in the absence of Steve Westly, Controller. Fred Aguiar, Secretary, State and Consumer Services was absent from the meeting.

Board staff present included Karen McGagin, Executive Officer; Tom O'Connor, Chief Deputy Executive Officer; Kathleen Andleman, Chief Counsel; Tim Eldred, Manager, Government Claims Program; and Missy Carrick, Board Liaison, recorded the meeting.

The Board meeting commenced at 10:01 a.m. with the pledge of allegiance.

MINUTES

The Board voted to adopt the minutes of the July 21, 2005 Board meeting.

GOVERNMENT CLAIMS REVENUE REPORT

Karen McGagin, Executive Officer, presented the Government Claims Revenue Report to the Board. The report included information on the status of the Government Claims revenue collected from filing fees and surcharges in fiscal year 2004-2005.

GOVERNMENT CLAIMS PROGRAM

Item 1 Government Claims Consent Agenda

The Board voted to adopt the staff recommendations on the claims listed on the Government Claims Program Consent Agenda with the following changes:

Item 43 **Claimant: Katie L. Ross** **G554015**

The Board approved the claimant's request to continue Claim G554015 to the September 15, 2005 meeting.

Item 65 **Claimant: Pacific Bell Telephone Company dba SBC** **G549573**

The Board approved the claimant's request to continue Claim G549573 to the September 15, 2005 meeting.

Item 66 **Claimant: Pacific Bell Telephone Company dba SBC** **G549611**

The Board approved the claimant's request to continue Claim G549611 to the September 15, 2005 meeting.

Item 69 **Claimant: Mark III Engineering Contractors** **G549910**

The Board approved the claimant's request to continue Claim G549910 to the September 15, 2005 meeting.

Total Claims	Claims Rejected	Claims Allowed in Whole or Part	Claims Allowed	
			Paid via Gov. Code §965	Paid via Claims Bill
384	299	45	18	27

Item 2 **CLAIMANT: Phoenix Programs, Incorporated** **G552084**

Ms. Corina DeLeon, M.A., Chief, Community Services, Inland County Regional Center appeared on behalf of the Department of Developmental Services.

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$45,000.00 to be paid pursuant to Government Code section 965.

Item 3 **CLAIMANT: BDO Seidman, LLP** **G551249**

Mr. Bill Donovan, Attorney at Law, appeared on behalf of his client, BDO Seidman, LLP. Mr. Donovan requested that the Board approve the full amount of the award totaling \$467,657.73, due to the delay in payment if the claim is paid pursuant to Government Code section 13928.

Mr. Michael Lumbard, Senior Counsel, appeared on behalf of the Department of Health Services.

The Board voted to adopt the staff recommendation to partially allow the claim in the amount of \$312,818.20 to be paid pursuant to Government Code section 13928.

Item 4 **CLAIMANT: Irma Morales** **G548984**

The Board voted to re-examine the claim previously rejected at its February 2005 meeting pursuant to Government Code section 913.2 and to adopt the staff recommendations to allow the claim in the amount of \$890.20 to be paid pursuant to Government Code section 965.

Item 5 **CLAIMANT: Regents of the University of California** **G534933**

Ms. Marcia Rosenstein appeared on behalf of the Department of Health Services and asked that the Board deny the claim. The Department of Health Services no longer has the funds available to pay for this contract.

The Board voted to adopt the staff recommendation to allow the claim in the amount of \$40,122.94 to be paid pursuant to Government Code section 13928.

Item 6 **Request for Extension of Delegated Authority**

Tim Eldred, Manager, Government Claims Program, presented the "Department of Mental Health Request for Delegated Authority to Settle and Pay Claims of less than \$1,000 each and to Reject Claims under Government Code section 935.6."

The Board voted to adopt the staff recommendation to approve the request.

Item 7 **CLAIMANT: R Systems, Incorporated** (RFP) HCD 2240-32 54068

Kathleen Andleman, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of R Systems, Incorporated Request for Proposal for (RFP) HCD 2240-32." This matter had been before the Board at its meeting on July 21, 2005. Due to administrative oversight, it was unclear whether the parties received adequate notice. Therefore, the matter was brought back to the Board.

The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

Item 8 **CLAIMANT: Technical Consultants International** (IFB) No. 54072

Kathleen Andleman, Chief Counsel, presented the "Dismissal Without Further Hearing of the Protest of Technical Consultants International Invitation for Bid (IFB) No. 54072." This matter had been before the Board at its meeting on July 21, 2005. Due to administrative oversight, it was unclear whether the parties received adequate notice. Therefore, the matter was brought back to the Board.

Ms. Amy Franklin, representative of Technical Consultants International, appeared and requested that the Board not dismiss the bid protest.

The Board voted to adopt the staff recommendation to dismiss the protest without further hearing.

VICTIM COMPENSATION PROGRAM

The Board commenced the Victim Compensation Program portion of the meeting at 10:27 a.m.

The Executive Officer reported on the following:

- Employees Honored at Board's 40th Anniversary Celebration
- Orange County Takes Restitution a Step Further
- NOVA Conference
- Board Restitution Training is STC Certified
- National Traumatic Stress Network Presentation

REPORTS TO THE BOARD

CONTRACTS REPORT

Ms. McGagin reported on the "Contracts Report" dated July 2005.

QUARTERLY STATISTICS REPORT

Ted Boughton, Deputy Executive Officer, Victims Compensation Program, reviewed the Statistical Report dated July 1, 2004 through June 30, 2005.

LEGISLATION REPORT

Pamela Schneider, Deputy Executive Officer, Legislation, presented the Legislative Report dated August 3, 2005 and highlighted the following sponsor bills: Assembly Bill 346, Senate Bill 353, and Senate Bill 972.

CaRES Update

CaRES PROJECT REPORT

Karen McGagin, Executive Officer, and Debra Gonzales, Chief Information Officer, reported to the Board on the progress of the Compensation and Restitution System (CaRES) project.

RESOLUTION DELEGATING AUTHORITY TO EXECUTIVE OFFICER TO EXECUTE CONTRACTS FOR THE COMPENSATION AND RESTITUTION SYSTEM

Karen McGagin, Executive Officer, presented the Board with a Resolution, which would delegate authority to her to execute any and all remaining contracts for one-time costs for the CaRES project through June 30, 2006.

The Board voted to adopt the Resolution.

REQUESTS FOR RECONSIDERATION

The Board voted to adopt the staff recommendations to allow the requests for reconsideration for agenda item numbers 1 through 4, and to deny requests for reconsideration for agenda item numbers 5 through 20.

Item 5	<u>CLAIMANT</u>	<u>89797V</u>
Item 6	<u>CLAIMANT</u>	<u>627807V</u>
Item 7	<u>CLAIMANT</u>	<u>659976V</u>
Item 8	<u>CLAIMANT</u>	<u>718811V</u>
Item 9	<u>CLAIMANT</u>	<u>744776V</u>
Item 10	<u>CLAIMANT</u>	<u>774175V</u>
Item 11	<u>CLAIMANT</u>	<u>778312V</u>
Item 12	<u>CLAIMANT</u>	<u>807697V</u>
Item 13	<u>CLAIMANT</u>	<u>820225V</u>

Item 14	CLAIMANT	824544V & 824545V
Item 15	CLAIMANT	829626V
Item 16	CLAIMANT	843297V
Item 17	CLAIMANT	847119V
Item 18	CLAIMANT	849047V
Item 19	CLAIMANT	851689V
Item 20	CLAIMANT	863341V

CLAIMS FOR WHICH APPEALS WERE WITHDRAWN OR DEEMED TO BE WITHDRAWN

The Board voted to adopt the staff recommendations on the balance of claims for which appeals were withdrawn or deemed to be withdrawn under California Code of Regulations, Title 2, Section 647.35 and action on claims for which a hearing was denied under California Code of Regulations, Title 2, Section 647.20.1 for agenda item numbers 21 through 78.

CLOSED EXECUTIVE SESSION (GC § 11126(c)(3) and 11126(e)(1))

Pursuant to Government Code sections 11126(c)(3), and 11126(e)(1) the Board adjourned into closed Executive Session with the Board's Executive Officer and Chief Counsel at 10:48 a.m. to deliberate on the proposed decisions for agenda item numbers 79 through 86 that were taken under submission during the meeting and to confer with and receive advice from Legal Counsel regarding pending litigation as authorized by Government Code section 11126(e).

The Board reconvened into open session at 10:50 a.m.

PROPOSED DECISIONS

Item 79	CLAIMANT	395413V
The Board voted to adopt the proposed decision.		
Item 80	CLAIMANT	617396V
The Board continued this item.		
Item 81	CLAIMANT	691578V
The Board voted to adopt the proposed decision.		
Item 82	CLAIMANT	743670V
The Board voted to adopt the proposed decision.		
Item 83	CLAIMANT	777941V
The Board voted to adopt the proposed decision.		
Item 84	CLAIMANT	801933V
The Board voted to adopt the proposed decision.		
Item 85	CLAIMANT	811104V
The Board voted to adopt the proposed decision.		
Item 86	CLAIMANT	823764V & 823765V
The Board continued this item.		

ADJOURNMENT

The meeting was adjourned at 10:51 a.m.

KAREN McGAGIN
Executive Officer

I certify that the California Victim Compensation and Government Claims Board adopted these minutes at its meeting of _____ at _____, California.

Date: _____ By: _____

Missy Carrick
Board Liaison

(Affix seal here)